

June 2, 2003

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L02P0010**
Proposed Ordinance no. 2003-0174

BROOKLAND GLEN
Preliminary Plat Application

Location: East of Military Road Approximately 550 Feet Northeast of
Kit Carson Road South

Applicant: Mark Funk, *represented by*
Charles Klinge, Attorney
Groen Stephens & Klinge, LLP
2101 112th Ave. NE, Suite 110
Bellevue, WA 98004-2944
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King County: Department of Development and Environmental Services
represented by **Fereshteh Dehkordi**
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SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:

Approve, subject to conditions

Department's Final Recommendation:

Approve, subject to conditions

Examiner's Decision:

Approved, subject to conditions

EXAMINER PROCEEDINGS:

Hearing Opened:

May 27, 2003

Hearing Closed:

May 27, 2003

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

SUMMARY:

Grants preliminary approval to a subdivision of approximately 7.45 acres into 17 single-family residential building lots.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **General Information:**

Owners/Developers:	Mark & Sherry Funk (253) 838-2500 Alfred Leenstra P.O. Box 2479 Gardnerville, NV 89410
Engineer:	Barghausen Consulting Engineers, Inc. Eric Labrie (425) 251-6222 18215 72 nd Avenue South Kent, WA 98032
STR:	SE ¼ 33-21-04
Location:	East of Military Road and approx. 550 feet northeast of Kit Carson Road South
Zoning:	R-4
Acreage:	7.45 acres
Number of Lots:	17
Density:	2.4
Lot Size:	Ranges from 4200 to 7,300 square feet
Proposed Use:	Single Family Residential
Sewage Disposal:	Lakehaven Utility District
Water Supply:	Lakehaven Utility District
Fire District:	King County Fire District 39
School District:	Fife School District No. 417

Complete Application Date: June 5, 2002

2. Mark and Sherry Funk and Alfred Leenstra (“Applicant”) propose to subdivide a 7.45 acre parcel in the Federal Way area into 17 single-family residential building lots. With lot sizes ranging

from approximately 4,200 square feet to 7,300 square feet, the proposed development will constitute a density of 2.46 dwelling units per acre. This density is within the density range authorized by the R-4 zoning that applies to the property.

3. On April 15, 2003, the Department of Development and Environmental Services (“Department” or “DDES”) issued a mitigated threshold determination of non-significance (“MDNS”). That is, the Department published its determination that an environmental impact statement would not be required *provided* that a specific mitigating measure be implemented. That measure, included in the Department’s recommended conditions of final plat approval, requires a split rail or similar fence approved by DDES along the north, northwest and northeast boundaries of a sensitive area tract to be established pursuant to the subdivision. The sensitive area tract (Tract B) is required due to the presence of a class 2 wetland in the western portion of the subject property.

The Department based its determination on its review of the Applicant’s environmental checklist, consultation with various environmental scientists and agencies having relevant expertise, and on other relevant environmental documents. No agency, tribe, person or other legal entity appealed the determination.

4. The Department recommends granting preliminary approval to the proposed plat of Brookland Glen, subject to the fifteen conditions of final plat approval that are stated on pages 6 through 11 of the Department’s preliminary report to the Examiner (exhibit no. 2); *except* that the Department amends recommended condition no. 7. As contained in the Department’s report, recommended condition no. 7 would require final approval of a necessary lot-line adjustment “prior to the engineering plan submittal.” In its final recommendation, the Department amends that recommendation to require the lot-line adjustment to be approved finally “prior to the engineering plan *approval*.” This change will allow the Applicant greater flexibility and time to satisfy the requirement and will eliminate unnecessary delay of engineering plan review.

Although not changing the text of recommended condition no. 6.A, the Department clarified its meaning in testimony. Recommended condition no. 6.A requires the Applicant to comply with the 1998 Surface Water Design Manual and *applicable updates adopted by King County*. The Department, in its clarification, concedes that the Applicant is vested pursuant to the KCSWDM standards in effect at the time of application. Thus, “applicable updates” that might apply would be limited only to software or other quantitative methods required to determine KCSWDM compliance, but not to substantive standards.

5. The City of Milton asks for assurance of access to an abutting segment of Military Road and culvert abutting the subject property. The Applicant agrees to execute the necessary easement. The Department reminds them that such an easement will not pre-empt the County’s authority to review any proposed culvert or road work that may alter the sensitive area (wetland or wetland buffer) within Tract B.
6. The City of Milton, joined by the City of Edgewood (Pierce County), seeks mitigation buffer area on the Brookland Glen property to compensate for the buffer area which encompasses a portion of the abutting Interurban right-of-way. In addition, the cities ask that the Applicant be required to install a split rail fence within that right-of-way, similar to the fencing required on the north, northwest and northeast sides of Tract B.

Wetland Tract B abuts approximately 360 feet of the old Interurban right-of-way now owned by Puget Sound Power and Light. The Cities of Edgewood and Milton are cooperating to establish a public trail through that right-of-way and are negotiating with Puget Sound Power and Light for transfer of the right-of-way to them. A class 2 wetland requires a 50-foot buffer. The interurban right-of-way is 100 feet wide. Although no study or evidence has been prepared regarding this matter, the cities are concerned that a trail may not be feasible given the presence of the buffer area. The numbers in this finding, however, suggest otherwise. The Cities see a potential for thousands to use the trail, whereas Brookland Glen will generate pedestrian traffic only from some portion of the fourteen proposed homes.

7. The City of Milton expresses some concern regarding the adequacy of storm drainage retention/detention. It would not want an excess backup of stormwater to flood the abutting (future) trail right-of-way. KCSWDM “level 2” standards will be applied. These standards require a storm drainage retention pond that releases storm water at one half the rate of a *pre-development* drainage rate for any 2 to 50 year storm event. This rigorous drainage standard imposed upon the Applicant in order to protect downstream Hylebos Creek from erosion, will satisfy the City’s concern, particularly when coupled with the City access easement to the Military Road culvert to which the Applicant has agreed.
8. Except as modified by these findings above, the Department’s report (exhibit no. 2) is accurate. It is adopted and incorporated in these findings by this reference. Copies of the Department’s report will accompany those copies of this Examiner’s report that are filed with the Metropolitan King County Council.

CONCLUSIONS:

1. Regardless of whether there is a nexus which connects the impact of the proposed development to the split-rail fencing and buffer area request of the City of Milton, there is no *rough proportionality* as required by constitutional law. To require the Applicant to fence and provide compensating buffer area for a trail right-of-way to be used by thousands when the development will provide only 14 homesites, would not be proportional to the impact reasonably expected from Brookland Glen. It is not reasonably necessary for Brookland Glen to provide such mitigating measures because they are not reasonably related to the results of the plat. Thus, the requests of the cities of Milton and Edgewood must be rejected as inconsistent with RCW 82.02.020.
2. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
3. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.

4. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
5. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the Applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

DECISION:

The proposed plat of Brookland Glen as presented in exhibit no. 7 of this hearing record is GRANTED PRELIMINARY APPROVAL; *subject* to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-4 zone classification. All lots shall meet the minimum dimensional requirements of the R-4 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The Applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS). The following road improvements are required to be constructed in accordance with the 1993 KCRS:
 - A. FRONTAGE: The frontage along Military Road (east side only) shall be improved to the urban principal arterial standard or as approved by the City of Milton. The design of the transitions into and out of the widened section of Military Road may extend into King County. This transition may overlap with the improvements for the plat of Meadow Glen Estates (L01P0005). City of Milton approval is required for all improvements within the City.
 - B. Road A shall be improved at a minimum to the urban one-half street standard. This improvement shall include a 22-foot wide paved roadway (as proposed by the Applicant).
An extruded curb shall be constructed along the northerly edge of pavement on Road A to control access from existing tax lots north of Road A—except for the designated

connection point near Lots 4 and 5. Other designs or access control may be considered as approved by DDES.

The Road A improvements shall transition to a full width improvement for an ultimate urban subcollector design at the Military Road South entrance. This improvement shall be in general conformance with the preliminary road and drainage plan received March 5, 2003 (see attachment 4) and as approved by the City of Milton.

- C. A temporary connection shall be made to new Road A from the existing driveway adjacent to the north side of this subdivision; unless otherwise approved by DDES. This connection is shown on the preliminary road and storm drainage plan and is near Lots 4 and 5. Approval from the property owner is required for the offsite connection.
 - D. Road B shall be improved to the urban minor access street standard.
 - E. Tract F shall be improved as a private access tract per Section 2.09 of the KCRS.
 - F. Tract G shall be improved as joint use driveway per Section 3.01 of the KCRS.
 - G. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
- A. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - B. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - C. The following note shall be shown on the final recorded plat:

All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."

- D. The stormwater detention facility shall be designed to the Level 2 flow control standard according to the 1998 King County Surface Water Design Manual (KCSWDM). The facility shall also incorporate the basic water quality menu in the KCSWDM.
 - E. The 100-year floodplain for all on-site wetlands and streams shall be shown on the engineering plans and the final recorded plat per Special Requirement 2 of the KCSWDM.
- 7. The proposed Lot Line Adjustment application (KC File L02L0034) shall be approved and finalized before the engineering plan approval.
 - 8. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
 - 9. The Applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The Applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
 - 10. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
 - 11. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
 - A. Preliminary plat review has identified the following specific requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the Applicant.
 - 1. Class 2 wetlands shall have a minimum 50-foot buffer of undisturbed vegetation as measured from the wetland edge.
 - 2. Class 2 streams shall have a minimum 50-foot buffer of undisturbed vegetation as measured from the ordinary high water mark (OHWM).

3. Class 3 streams shall have a minimum 25-foot buffer of undisturbed vegetation as measured from the OHWM.
- B. Buffer width averaging may be allowed by King County if it will provide additional protection to streams/wetlands or enhance their functions, as long as the total area contained in the buffer on the development proposal site does not decrease. In no area shall the buffer be less than 65 percent of the required minimum distance. To ensure such functions are enhanced a mitigation plan will be required for the remaining on-site sensitive areas. An enhancement plan shall be submitted for review during final engineering review.
 - C. Buffer impacts for road crossings may be allowed for this project provided the impacts are mitigated. All road crossings shall be designed in such a way as to minimize the impact as much as possible. The use of retaining walls or other construction techniques shall be considered during the final review process. Impacted buffer areas shall be replaced on a 1:1 ratio. There shall be no clearing or grading within the replacement areas or within the sensitive area tract(s). Additional plantings/enhancement may be required as part of the mitigation plan. This shall be reviewed during the final engineering review process.
 - D. Sensitive area tract(s) shall be used to delineate and protect sensitive areas and buffers in development proposals for subdivisions and shall be recorded on all documents of title of record for all affected lots.
 - E. 15-foot BSBL shall be established from the edge of buffer and/or the sensitive areas tract(s) and shown on all affected lots. No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.
 - F. A mitigation plan and financial guarantee/bond will be required for any proposed impacts of sensitive areas. The bond amount will include all components of the mitigation plan including, but not limited to, plantings, grading, fencing, signs, inspections, and monitoring for five years.
 - G. The Applicant/contractor shall mark sensitive areas tract(s) in a highly visible manner such as an orange construction fence. Prior to commencing construction activities on the site the buffer area fencing shall be field verified by County Environmental Scientist. These areas must remain so marked until all development proposal activities in the vicinity of the sensitive areas are completed.
 - H. Prior to final approval of construction activities on the site, the boundary between the sensitive area tract(s) and adjacent land shall be identified using permanent signs. Sign specifications shall be shown on final engineering plans. The signs may be attached to any required sensitive area tract fencing.
 - I. During final plat review the Applicant shall provide a wetland hydrology analysis to demonstrate how the wetland hydrology will be maintained post-construction.

- J. Detention out-fall structures may be permitted within the wetland buffer, however, they shall be located in the outer edge of the buffer if possible. Buffer impacts shall be mitigated through enhancement and/or replacement.
- K. Prior to final recording and/or during final engineering review, the plan set shall be routed to the sensitive areas group for review and approval.
- L. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE
AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

- 12. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
 - A. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements and landscaping pre KCC 21A. 16. The approved engineering plans shall be consistent with the overall conceptual plan.
 - B. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents. The final recreation/landscape plan shall be certified by a Washington State registered landscape architect, Washington state certified nurseryman, or Washington State Certified landscaper.
 - C. A performance bond for recreation space improvements shall be posted prior to recording of the plat.

13. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
14. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
 - A. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - B. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - C. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - D. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - E. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - F. The Applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - G. The Applicant shall contact Metro Service Planning to determine if Military Road South is on a bus route. If it is a bus route, the street tree plan shall also be reviewed by Metro.
 - H. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
 - I. A landscape inspection fee shall also be submitted prior to plat recording. The tree inspection fee is subject to change based on the current County fees.

15. The following have been established by SEPA as necessary requirements to mitigate the adverse environmental impacts of this development. The Applicants shall demonstrate compliance with these items prior to final approval:

A split rail or similar fence approved by DDES shall be constructed along the north, northwest, and northeast boundaries of the sensitive area tract (Tract B) prior to final plat approval. Fencing details, construction and location shall be shown on the engineering plans and be approved by a DDES Senior Ecologist. This mitigation is intended to reduce disturbance within the protective buffer and associated wetland.

16. The Applicant shall grant to the City of Milton an emergency maintenance access easement abutting the Military Road right-of-way, as appropriate in the vicinity of the existing drainage culvert. The dimensions and terms of that easement shall be agreed upon by the Applicant and the City of Milton. It shall, however, contain language indicating that any alteration of the vegetation within Tract B shall be subject to King County review and approval.

ORDERED this 2nd day of June, 2003.

T. T. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 2nd day of June, 2003, to the parties and interested persons of record:

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MS OAK-DE-0100

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before June 16, 2003***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before June 23, 2003***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE MAY 27, 2003 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L02P0010.

T. T. Titus was the Hearing Examiner in this matter. Participating in the hearing were Fereshteh Dehkordi and Bruce Whittaker representing the Department; and Charles Klinge, Attorney, representing the Appellant; and John Adamson and Dave Lorenzen.

The following exhibits were offered and entered into the record:

Exhibit No. 1	DDES file no. L02P0010
Exhibit No. 2	DDES preliminary report to the hearing Examiner dated 5/27/03
Exhibit No. 3	Application received by DDES on 5/20/02
Exhibit No. 4	Environmental checklist prepared April, 2002, and received 5/20/02
Exhibit No. 5	Mitigated declaration on non-significance issued 5/15/03
Exhibit No. 6	Affidavit of posting indicating posting date of 6/13/02 and received by DDES on 6/14/03

Exhibit No. 7	Revised site plan dated 5/05/03
Exhibit No. 8	Conceptual drainage plan dated 5/05/03
Exhibit No. 9	Assessor's maps SW 34-21-04 and SE 33-21-04
Exhibit No. 10	Level 1 off-site drainage analysis dated 8/07/01, revised 4/12/02
Exhibit No. 11	Wetland assessment and delineation report dated 1/23/02 by Chad Armour, LLC
Exhibit No. 12	Fish habitat survey report by Washington Trout, conducted on 8/02/01
Exhibit No. 13	Letter of intent from Margaret Armstrong dated 10/01/02 to relocate ingress & egress easement
Exhibit No. 14	Letter of intent from Gary & Kelly Rathburn dated 11/01/02 to relocate egress & ingress easement
Exhibit No. 15	Letter of intent from Carolyn Rodstrom dated 3/28/03, owner of tax lot no. 342104-9044
Exhibit No. 16	Letter from City of Milton dated 3/13/03
Exhibit No. 17	Letter from City of Milton dated 3/21/03
Exhibit No. 18	Lot line adjustment site plan (2 pgs.) file no. L02L0034 dated 3/04/02
Exhibit No. 19	Notice of appearance for Applicant's Attorney dated 5/27/03

TTT:ms
L02P0010 RPT